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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,073	05/07/2001	Steven Todd	2455-4621	9787

7590 11/21/2005
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

EXAMINER

RHODE JR, ROBERT E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,073

Applicant(s)

TODD, STEVEN

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-26, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 28 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's election without traverse of the Restriction Requirement in the reply filed on 8-8-05 is acknowledged.

Claims 1 – 26 and 29 - 30 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8-8-05.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement filed 5-07-01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the IDS submitted with the Application listed Patent US 5,828,837 to Forster et al. However, Patent number is to Eikeland et al. As result, Patent US 5,828,837 listed on the IDS was not considered.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

The drawings filed on 5-7-01 are acceptable subject to correction of the informalities such as the shading in Figures 2 and 5, which will preclude copying accurately the information in the drawings. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 27, the phrases(s) " system setting module", "channel monitor" and "report generator" are relative phrases, which renders the claims indefinite. These phrases were not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes,

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the phrases will be treated as software components capable of performing these functions in a CRM alerting and notification application.

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 31, the phrase "electronic agent" is a relative phrase, which renders the claims indefinite. These phrases were not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For example, it is not clear how a living salesperson is simultaneously a virtual "electronic agent"? For examination purposes, the phrase will be treated as well known agent software.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 27 and 31 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Vineyardsoft Corporation Expands Alert Messaging Technology to Include Automated Response Actions"; Business/Technology Editors; Business Wire; New York; May 16, 2000 and captured screen shots of Vineyardsoft.com web pages obtained via archive.org (hereafter collectively

referred to as “Vine”) in view of “New SalesLogic2000 Provides Integrated eCRM Suite to Deliver “E-Business Now for Mid- Market Companies”; PR Newswire; Feb 16, 2000 (hereafter referred to as “SalesLogic”).

Regarding claim 27 (Original), Vine teaches a device for providing a salesperson with notification of consumer interactions with an employer of the salesperson, the device comprising:

a system settings module, the system settings module permitting the salesperson to set up at least one target and to associate with at least one customer;

a channel monitor, the channel monitor enabling an on-line communication channel between the salesperson and the at least one customer, the channel monitor analyzing the content of communications on the on-line communication channel for ones of the communications that are with the at least one customer associated with the salesperson and that include content matching the at least one target set up by the salesperson;

the channel monitor generating notifications to the salesperson for the ones of the communications (see at least Pages 1, 2 and Para 2, 3 and 5, as well as pages 5 – 6, 8 – 9, 17 – 18 and 20).

While it is implicit with Vine that a sales person once notified would query the alerting device in order to obtain more information, Vine does not specifically disclose or teach a report generator, the report generator receiving a query from the salesperson and reporting ones of the communications matching of parameters of the query.

On the other hand, SalesLogix teaches a report generator, the report generator receiving a query from the salesperson and reporting ones of the communications matching of parameters of the query (Pages 1 and 3 - 4).

It would have been obvious to one of ordinary skill to have provided the device of Vine with the device of SalesLogic to have enabled a report generator, the report generator receiving a query from the salesperson and reporting ones of the communications matching of parameters of the query. Vine discloses a device a system settings module, the system settings module permitting the salesperson to set up at least one target and to associate with at least one customer; a channel monitor, the channel monitor enabling an on-line communication channel between the salesperson and the at least one customer, the channel monitor analyzing the content of communications on the on-line communication channel for ones of the communications that are with the at least one customer associated with the salesperson and that include content matching the at least one target set up by the salesperson; the channel monitor generating notifications to the salesperson for the ones of the communications (see at least Pages 1, 2 and Para 2, 3 and 5, as well as pages 5 - 6, 8 - 9, 17 - 18 and 20). In turn, SalesLogic discloses a report generator, the report generator receiving a query from the salesperson and reporting ones of the communications matching of parameters of the query (Pages 1 and 3 - 4). Therefore, one of ordinary skill would have been motivated to extend the device of Vine with a report generator, the report generator receiving a query from the

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salesperson and reporting ones of the communications matching of parameters of the query. In this manner, the individual alerted can obtain additional information as required and thereby ensure all required information related to the alert has been obtained. Thereby, the sales person can access for additional customer information before following up on the provided sales lead.

Regarding claim 28, Vine teaches a device further comprising an first authorization unit, the authorization unit requesting sales person information prior to permitting access to the system settings module or the report generator (Page 2)

Regarding claim 31 (Original), Vine teaches a device wherein the on-line communication channel is a public on-line communication channel or a restricted on-line communication channel (Page 18).

Regarding claim 32 (Original), Vine teaches a device wherein the communication is between the customer and a representative of the employer or the customer and a customer peer (Page 18).

Regarding claim 33 (Original), Vine teaches a device, wherein the salesperson is an electronic agent (Page 1). Please note that Vine does not specifically disclose an electronic agent. However, Vine does disclose an automated notification. Thereby, it would have been obvious too one of ordinary skill in the art to extend Vine with a well-

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known capability such as the use of electronic agent, which will perform the same, automated notification.

Regarding claim 34 (Original), Vine teaches a device wherein target items comprise alphanumeric characters, alphanumeric strings, emoticons, names of product offerings or codes (Page 18).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Parsons (US 6,871,214 B1), which discloses alerting for CRM.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

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571-273-8300

[Official communications; including

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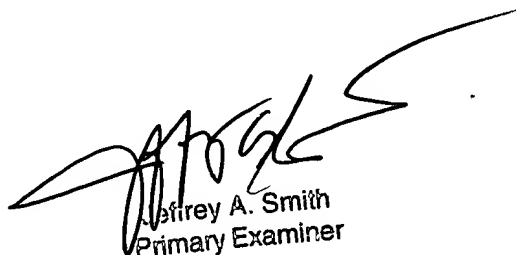
For general questions the receptionist can be reached at

571.272.3600

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Jeffrey A. Smith
Primary Examiner